

COUNTY OF YORK

MEMORANDUM

DATE: February 26, 2002 (BOS Mtg. 3/19/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. ZM-65-02, W. H. Bowditch, Jr.

ISSUE

Application No. ZM-65-02 seeks to remove an existing proffered zoning condition by reclassifying an approximately 5.2-acre parcel located at 2430 George Washington Memorial Highway at the northeast quadrant of the intersection of Victory Boulevard (Route 171) and Route 17 from conditional GB (General Business) to GB (General Business) without conditions. The existing conditional zoning limits the use of this property to a new and used automobile dealership.

DESCRIPTION

- Property Owner: W. H. Bowditch, Jr.
- Location: 2430 George Washington Memorial Highway (Route 17)
- Area: Approximately 5.2 acres
- Frontage: Approximately 285 feet on Route 17 and
Approximately 3 feet on Victory Boulevard (Route 171)
- Utilities: Public water and sewer
- Topography: Generally flat with a drainage ditch/stream along the rear of the property
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business (conditional)
- Existing Development: None
- Surrounding Development:
 - North: Single-family dwelling; vacant parcel beyond
 - East: Ashe Industrial Park
 - South: Single-family dwelling; Victory Boulevard (Route 171) beyond

West: Wal-Mart (under construction across Route 17)

CONSIDERATIONS/CONCLUSIONS

1. In 1988 the subject parcel was reclassified from CC (Community Commercial) to conditional CG (General Commercial). The applicant proffered that the only use of the property would be a new and used automobile dealership. In 1995, the property was reclassified to GB (General Business) conditional during the comprehensive rezoning process. This reclassification maintained the original proffered condition limiting the use of the property to an automobile dealership. The applicant, Mr. W. H. Bowditch, Jr., seeks to remove the condition, which can be accomplished through the reclassification of the property to (unconditional) GB (General Business).
2. The surrounding properties are zoned General Business and include commercial and non-conforming single-family residential uses. The Comprehensive Plan notes that Route 17 is a commercial corridor and as such is designated mostly for General Business development. This section of the corridor will likely experience continued commercial growth as demonstrated through the construction currently underway for a large retail store across Route 17 to the west of the subject parcel.
3. The applicant does not intend to relocate the Bowditch Ford automobile dealership to this parcel as indicated in the 1988 rezoning application. Franchise agreements prevent the dealership from locating within a certain proximity to other dealerships, making this site inappropriate for relocation of the Bowditch Ford dealership. The subject parcel is for sale and the applicant wishes to remove the previously proffered condition so that the marketing and sale of the property can proceed. The applicant's agent indicates that a retail drugstore has expressed interest in the property; however, this interest has not been formalized and should not be construed to guarantee the future use of the property. If the application were approved, the use of the parcel would be governed by the applicable performance standards set forth in the Zoning Ordinance and the full range of uses allowed in the GB district would be available.
4. Circumstances have changed somewhat from 1988 when this parcel was conditionally reclassified. Under the Zoning Ordinance then in effect, the Route 17 corridor was zoned in an alternating pattern of CC (Community Commercial) and CG (General Commercial). With the exception of Ashe Industrial Park, the entire area bounded by Route 17, Route 134 and Route 171 was classified CC (Community Commercial). The proffer, at that time, reflected a concern about the compatibility of what would occur on the subject property relative to that surrounding area zoned CC (Community Commercial), given the fact that the CG district allowed more intensive commercial uses. Now, however, the former CC and CG areas have been melded into the current GB (General Business) classification and the concern about compatibility with surrounding zoning has become moot.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on February 13, 2002 and, subsequent to holding a public hearing at which the applicant's agent spoke in support of the application, voted 7:0 to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

Located at the intersection of two of the County's major commercial corridors, the subject parcel clearly is well-suited for commercial development, and I see no reason to limit its use to an auto dealership, particularly since the adjacent properties have no such restrictions. The proposed rezoning is consistent with the Comprehensive Plan and surrounding zoning designations. Furthermore, I am confident that performance standards set forth in the Zoning Ordinance, which include requirements for traffic impact analysis, will adequately govern the future development of the property. Therefore, I recommend that the Board approve the rezoning application through the adoption of proposed Ordinance No. 02-4.

Carter/3337
Attachments

- Planning Commission excerpts, February 13, 2002
- Zoning Map
- Plat
- Proposed Ordinance No. 02-4